

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-6 and 8-20 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Rejection Under 35 USC §103

Claims 1-6 and 8-18 stand rejected under 35 USC §103 as being obvious over Mimata (U.S. Patent 6,399,904) in view of Vance (U.S. Patent 6,313,731). This rejection is respectfully traversed.

The Examiner states that Mimata shows a directional switch with a base block with four contact terminals and an elastic diaphragm 23 over common contact 22. Conductive members 33 match the contact terminals. Lid 62 includes a hole through which the rod extends. A resin sheet 10 is present between the contact block and the conductive member. The Examiner states that it would have been obvious to use a single sheet for the conductive member rather than for smaller members. The Examiner cites the Vance reference to teach a rod inserted through the depressing block and having a recess to combine the two elements.

Applicants submit that amended claim 1 is not obvious over this combination of references. Claim 1 has been amended to describe the

conductive member more clearly as a single member extending over the plurality of contact terminals. Also, claim 1 continues to claim the means for preventing excessive wear which is located between the depressing block and the conductive member. The Examiner is apparently correlating resin sheet 10 of Mimata to this means for preventing excessive wear. However, while their location is somewhat similar, the purpose and function of the resin sheet is different from that of the lining pad 5 of the present invention.

Mimata describes at column 7, lines 4-10 that the sheet lies on the first moveable portion 23, the second movable portion 33 and the partitions 13 to ensure the relationship of the positions of these elements. This is accomplished by using an adhesive layer. Thus, this sheet is fixed to those elements to prevent them from moving relative to each other. This reference does not describe in any manner that the resin sheet is used to prevent excessive wear of the conductive member. It should be noted that the several conductive members of Mimata appear to be spring members which make a snapping noise when compressed. One would assume that these are not easily damaged since they must be flexed sufficiently to form the element and make a clicking sound. This differs from the conductive member of the present invention which is formed as a sheet and is not designed to be drastically deformed. Accordingly, this device may be less structurally sound and accordingly the lining pad is desirable

to prevent damage to the conductive member. Accordingly, the resin sheet of Mimata is not the same as the means for preventing excessive wear described in claim 1 nor would such a means be obvious over the teachings of Mimata.

The conductive member is now described as being a single member extending over the plurality of contact terminals. This differs from the individual contact shown in Mimata. The Examiner has stated that these are the equivalent. Applicants disagree about their equivalence. Figure 1 of the present application shows a prior art device which contains a plurality of elastic members used as contacts. Applicants have specifically utilized the present arrangement of a single sheet to enhance the operation of the device. In particular, on page 2, lines 11 to 24 Applicants describe the advantages of using a single sheet device. Accordingly, Applicants submit that the use of the single sheet is not obvious. For these reasons, Applicants submit that claim 1 is allowable.

The Examiner cited the Vance reference to show the insertion of the rod into a recess to combine the two elements. Applicants submit that even if this reference does show this feature, it does not aid the Mimata reference in overcoming its deficiencies as noted above. Accordingly, Applicants submit that the claims are allowable over this combination of references.

Claim 5 is similar to claim 1, but replaces the final paragraph with a more detailed paragraph describing the lining pad. In particular, claim 5 describes the four ends having a strut and a center with an indented section. This arrangement is clearly not seen in the references. In regard to claim 5, the Examiner has stated that there is no disclosed criticality as to why the lining pad must have these features. Applicants submit that it is not necessary to disclose criticality. The question is whether the claim is obvious over the reference. Since the claim describes elements not seen in the reference, it is the Examiner's burden to show why these features would be obvious. If the Examiner were able to indicate why the flat resin sheet would be considered the equivalent of or be considered as being obvious over the features of the lining pad, then Applicants could show criticality to show why these differences would not be obvious. However, the Examiner has made no argument as to why it would be obvious to add the struts at the fore-ends.

Further, Applicants submit that these struts do have a function in that they help the overall function of the lining pad which is to prevent excessive wear of the conductive member. That is, when the depressing block pushes against the conductive member, the presence of the struts helps to support the lining pad and thus prevent excessive force being applied. In addition, the struts help to

position the lining pad within the base block and provide the separation necessary between the contacts at the bottom of the base block and the conductive sheet. They also help to prevent the depressing block from contacting two contacts on adjacent sides when the block is depressed along the diagonal. Thus, these struts have a number of functions which aid in the operation of the device. Further, neither these functions nor the structure of the struts is seen in Mimata. Accordingly, Applicants submit that claim 5 is allowable.

Claim 11 is similar to claim 5, and includes a similar description of the lining pad with the struts and indented center section. However, this claim does not include the description of the depressing block as having depress spots corresponding to the pressing spots. Nevertheless, this claim is allowable for the same reasons presented above in the discussion of claim 5 regarding the struts.

Claims 2-4, 6, 8-10 and 12-18 depend from these allowable claims and as such are also considered to be allowable. In addition, each of these claims recite other features which makes them additionally allowable.

Applicants have now added claims 19 and 20 to further describe the relationship of the reinforced section with the base block. As seen in Fig. 3 of the present application, the reinforcing section 43

will extend into a recess provided on each side wall of the base block 8. This helps to locate the control unit within the base block so that the pressing spots are aligned with the contact terminals. Applicants submit that the references also do not show this feature.

Applicants have also amended claims 1, 5, 8 and 16 to change the term "second depress spots" to "depress spots". Applicants have now noted that the claims do not include the recitation of "first depress spots" and that accordingly, this term should be changed. In the specification, the second depress spots refer to elements 45 seen in Fig. 4 as opposed to the first depress spot 33 which is in the center. Applicants submit that these changes avoid any possible indefiniteness.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of

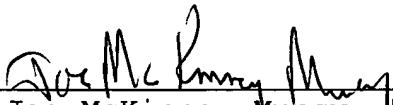
the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.


Respectfully submitted,

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